

2007 \*  
#22/v

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 09/254525

[DOCKET] TITLE: [Stud 262] USE OF MICROPOROUS ANORGANIC MEMBRANE CATALYSTS

CASE TYPE: ORD

GROUP ART UNIT:

1754

Hon. Commissioner  
for Patents  
Washington, D.C. 20231

March 18, 2002

RECEIVED

SEP 12 2003

TC 1700

NOTICE OF CHANGE OF FIRM NAME AND FIRM ADDRESS

SIR:

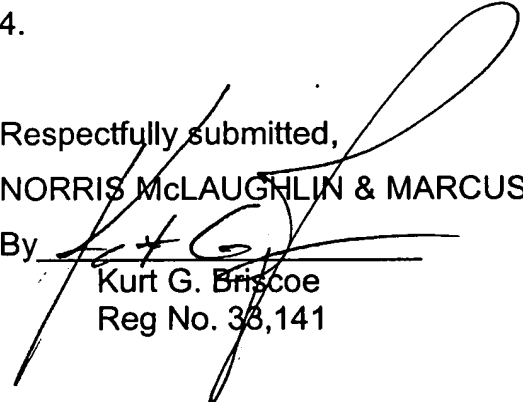
Please take notice that the name and address of the firm for the attorneys of record in the above-identified application has changed. Kindly address all future correspondence to:

NORRIS McLAUGHLIN & MARCUS, P.A.  
220 EAST 42<sup>ND</sup> STREET  
30<sup>TH</sup> FLOOR  
NEW YORK, NEW YORK 10017

Please also note that the firm's new telephone number is (212) 808-0700.  
The firm's new telefax number is (212) 808-0844.

Respectfully submitted,  
NORRIS McLAUGHLIN & MARCUS

By

  
Kurt G. Briscoe  
Reg No. 38,141

220 East 42<sup>nd</sup> Street  
30<sup>th</sup> Floor  
New York, NY 10017  
(212) 808-0700

**NOTICE OF CHANGE OF FIRM NAME AND FIRM ADDRESS**

**GROUP 1750**

**DATE MAILED MARCH 28, 2002**

SERIAL NUMBER	DOCKET NUMBER
09/901200	BEIERSDORF 727
09/901355	BEIERSDORF 725
09/901356	BEIERSDORF 728
09/901360	BEIERSDORF 729
09/901426	BEIERSDORF 726
09/967372	ENGELHARD 201.4
09/809575	STUDIEN 280
09/754515	HERAEUS 377
09/757368	MIURA 212.1
09/709862	TESA AG 667
09/988510	TESA AG 1506
09/652755	HERAEUS 376
09/680123	MIURA 213
09/709863	TESA AG 666
09/600185	METAL 1279
09/595033	HERAEUS 372
09/601632	STUDIEN 273
09/569067	BAYER 9964.2
09/582116	STUDIEN 272
09/180324	STUDIEN 256
09/254525	STUDIEN 262
09/254526	METAL 1268.1
09/284701	METAL 1269
09/307980	BAYER 9834.2
08/625613	BAYER 9550
08/715037	BAYER 9690.2
08/913516	STUDIEN 251.2
09/171175	BEIERSDORF 521
09/053342	BEIERSDORF 488.2
08/555549	BAYER 9450

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TC 1700

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MAR 29 2002  
TECHNOLOGY CENTER 1700

The stamp of the Patent Office hereon may be taken as acknowledgement of receipt, on the date stamped, of the enclosed above-identified Notice of Change of Firm Name and Firm Address.

(74)

Withdrawing the Holding of Abandonment  
When Office Actions Are Not Received

The purpose of this notice is to announce a practice that will minimize costs and burdens to the practitioner and the Office when an application has become abandoned due to a failure to receive an Office action.

A petition to withdraw the holding of abandonment in accordance with *Delgar Inc. v. Schuyler*, 172 USPQ 513 (D.D.C. 1971) is burdensome to the practitioner since the practitioner must overcome a strong presumption that an Office action duly addressed and indicated as mailed was timely delivered to the addressee. To overcome this presumption, a practitioner is currently required to submit a persuasive showing that would permit the Office to conclude that the Office action was not received. Accordingly, evidence which is typically required includes: copies of records which would disclose the receipt of other correspondence mailed from the Patent and Trademark Office on or about the mail date of the non-received Office action, but fail to disclose receipt of the Office action mailed that date; copies of records on which the Office action would have been entered had it been received (e.g., a copy of the outside of the file jacket maintained by the practitioner); and verified statements from persons who would have handled the Office action (e.g., mail clerks, docket clerks, secretary, etc.).

In order to minimize costs and burdens to the practitioner and the Office when an application has become abandoned due to a failure to receive an Office action, the Office is modifying the showing required to make a petition to withdraw the holding of abandonment grantable. The showing required to establish the failure to receive an Office action must consist of a statement from the practitioner stating that the Office action was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received. A copy of the docket record where the non-received Office action would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail, e.g., if the practitioner has a history of not receiving Office actions. Two additional procedures are available for reviving an application that has become abandoned due a failure to respond to an Office Action: (1) a petition based on unintentional abandonment or delay; and (2) a petition based on unavoidable delay. See Manual of Patent Examining Procedure 711.03(c).

Oct. 25, 1993

CHARLES E. VAN HORN  
Patent Policy and Projects Administrator  
Office of the Assistant Commissioner  
for Patents

[1156 OG 53]

Exhibit 4 to Response to  
Appendix A

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Appendix A**



UNITED STATES  
PATENT AND  
TRADEMARK OFFICE

MDI 242.13-KGB  
UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY  
AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
WWW.USPTO.GOV

OCT 11 2002

NORRIS McLAUGHLIN & MARCUS, P.A.  
220 EAST 42ND STREET 30TH  
NEW YORK NY 10017

In re Application of  
Thomas R. Barnett et al  
Serial No.: 08/469,313  
Filed: June 6, 1995  
Attorney Docket No.: MAI242.13-KGB

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: PETITION DECISION  
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This is a decision on the renewed Petition under 37 CFR 1.181, filed August 19, 2002, to Withdraw Holding of Abandonment based on non-receipt of an Office action.

A review of the file history shows that the examiner mailed a Final Office action to applicants on August 10, 2001, setting a three month shortened statutory period for reply. Upon failure to receive a reply the examiner mailed a Notice of Abandonment to applicants on March 12, 2002. Applicants submitted a change of address immediately after the Notice of Abandonment was mailed. (It is noted, however, that applicants' return address on communications received as early as May, 2001, used the above mailing address as the return address, but no proper change of address was submitted until March, 2002.) The Notice, as evidenced by applicants' copy, was returned to the Office as undeliverable and was subsequently remailed to the correct address sometime after April 1, 2002, thus making the original petition timely. (No indication of remailing appears on the Office copy of the Notice.) In view of the statements and evidence now and previously presented it is concluded that applicants never received the Office action. In view thereof, the Notice of Abandonment is withdrawn and the application restored to pending status with the mailing of this decision.

Applicants' petition is **GRANTED**.

The application will be returned to the examiner for prompt remailing of the Office action.

Should there be any questions with respect to this decision, please contact William R. Dixon, Jr., by mail addressed to: Director, Technology Center 1600, Washington, D.C. 20231, or by telephone at (703)308-3824 or by facsimile transmission at (703) 308-7922.

  
Jasmine C. Chambers  
Director, Technology Center 1600



UNITED STATES  
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UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY  
AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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DEC - 4 2001

*GE Bayer 1603-WCB*

NORRIS MCLAUGHLIN & MARCUS, P.A.  
220 EAST 42ND STREET  
30TH FLOOR  
NEW YORK NY 10017

In re Application of  
Kurt Feldner et al  
Serial No.: 09/367,747  
Filed: March 10, 2000  
Attorney Docket No.: G.E.BAYER-1

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: WITHDRAWAL OF ABANDONMENT  
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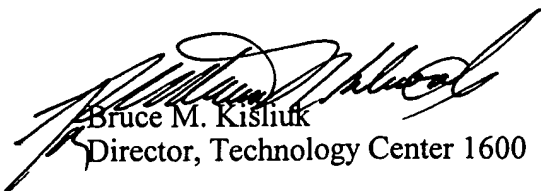
This is in response to the petition under 37 CFR 1.181, filed July 31, 2002, requesting withdrawal of the holding of abandonment of the above identified application.

A review of the file history shows that the examiner mailed a Notice of Allowance and Issue Fee Due and a Notice of Allowability to applicants on February 26, 2002, setting a three month statutory period for payment of the Issue Fee. The Notices were mailed to applicants' current address as noted above. On July 10, 2002, a Notice of Abandonment was mailed to applicants indicating the Issue Fee had not been received. Applicants' attorney states that the Notices were never received and provides statements and docket evidence showing where they would have been listed had they been received. In view thereof, the Notice of Abandonment is withdrawn and the application restored to pending status with the mailing of this decision.

Applicants' petition is **GRANTED.**

**The application will be forwarded to examiner for mailing of a new Notice of Allowance and Issue Fee Due and Notice of Allowability.**

Should there be any questions with regard to this letter please contact William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, Washington, DC 20231, or by telephone at (703) 308-3824 or by facsimile transmission at (703) 305-7230.

  
Bruce M. Kisliuk  
Director, Technology Center 1600



UNITED STATES  
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TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY  
AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PO BOX 1450, ALEXANDRIA, VA 22313-1450  
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*Bayer 8574.1-K63*

JUN 27 2003

KURT G. BRISCOE  
NORRIS MCLAUGHLIN & MARCUS  
220 EAST 42ND STREET, 30TH FLOOR  
NEW YORK, NY 10017

In re Application of  
Hans-Georg Henie et al  
Serial No.: 09/545,821  
Filed: April 7, 2000  
Attorney Docket No.: Bayer 8574.1

WITHDRAWAL OF ABANDONMENT

This is in response to applicants' renewed petition under 37 CFR 1.181, filed April 28, 2003, requesting revival of the above-identified application based on timely reply to an Office action.

A review of the file history is set forth in the previous petition decision and is not repeated herein. The previous petition was denied on the basis that there was a fourteen month delay between the date of mailing of the Notice of Abandonment and the petition to revive. It was also noted that the Notice of Abandonment was mailed to an old address and that the correct mailing address was not supplied to the Office until sometime thereafter. Applicants explain that a proper change of address form was included with the reply mailed September 17, 2001, but that since the paper was lost and never matched with the file the address change was not entered and applicants could not receive any correspondence from the Office for this application. It was only after diligent inquiry and status letters that a telephone call revealed the true status of the application. Applicants' explanation of the delay is acceptable and the previous petition decision is vacated. The Notice of Abandonment is found to have been mailed in error and is vacated. The application is restored to pending status with the mailing of this decision.

Applicants' petition is **GRANTED**.

The application will be forwarded to the examiner for further consideration.

Should there be any questions regarding this decision, please contact William R. Dixon, Jr., by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (703) 308-3824 or by facsimile transmission at (703) 305-7230.

  
Bruce M. Kisliuk

Director, Technology Center 1600



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OCT - 8 2002

NORRIS MCLAUGHLIN & MARCUS PA  
220 EAST 42ND STREET  
30TH FLOOR  
NEW YORK NY 10017

In re Application of  
Thomas Bretschneider et al  
Serial No.: 09/537,144  
Filed: March 9, 2000  
Attorney Docket No.: 10078.1-KGB

WITHDRAWAL OF ABANDONMENT

This is in response to applicants' petition under 37 CFR 1.181, filed July 24, 2002, requesting revival of the above-identified application based on non-receipt of an Office action.

A review of the file history shows the examiner mailed an Office action under *ex parte Quayle* to applicants on November 15, 2001, setting a one month shortened statutory period for reply. Upon failure to receive a reply the application was held abandoned by Notice of Abandonment mailed June 26, 2002. Applicant states the Office action was never received. Applicants provide docket records showing non-receipt of the Notices. Applicants also note that a change of address accompanied the last reply, received October 18, 2001, and question whether it was entered prior to mailing of the Office action. A review of the Office action shows that it was mailed to the previous address of record, not the current address. Office records have since been corrected.

Based on the statements and evidence of record it is concluded that the Notice of Allowance and Issue Fee Due and Notice of Allowability were never received by applicants. In view thereof, the Notice of Abandonment is withdrawn and the application is restored to a pending status with the mailing of this decision.

Applicants' petition is **GRANTED**.

**The application will be forwarded to the examiner for prompt remailing of the Office action mailed November 15, 2001.**

Should there be any questions regarding this decision, please contact William R. Dixon, Jr., by mail addressed to Director, Technology Center 1600, Washington, D.C. 20231, or by telephone at (703) 308-3824 or by facsimile transmission at (703) 305-7230.

Bruce M. Kisliuk  
Director, Technology Center 1600

Exhibit 9 to Response to  
Appendix A





UNITED STATES PATENT and TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
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564-KAB

MAY 15 2003

Mailed: \_\_\_\_\_

rvk

Paper Number: \_\_\_\_\_

In re application of  
Uwe Weinberg

Serial No. 09/347,323

Filed: July 2, 1999

For: ADHESIVE TAPE AND ITS USE

DECISION ON  
PETITION

This is a response to the PETITION UNDER 37 CFR 1.181(a) TO WITHDRAW HOLDING OF ABANDONMENT, filed June 17, 2002. The petition requests that the abandonment, as set forth in the Notice of Abandonment of April 5, 2002, for failure to timely pay the issue fee as indicated in Notice of Allowability and Notice of Allowance and Issue Fee Due mailed August 28, 2001 be withdrawn. The petitioner asserts that the Notice of Allowability and Notice of Allowance and Issue Fee Due were not received at the applicant's correspondence address.

**DECISION**

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee), and is evaluated under the procedures regarding an acceptable showing of non-receipt of an office action. See MPEP 711.03(c)(II).

The evidence presented is sufficient to establish that the Notice of Allowability and Notice of Allowance and Issue Fee Due, were not received by petitioner. The evidence provided includes a statement by the petitioner that the Notice of Allowability and Notice of Allowance and Issue Fee Due were not received, a statement that a search of the file and docket records was made, and a statement that the search revealed the Notice of Allowability and Notice of Allowance and Issue Fee Due mailed August 28, 2001 were not received. Also provided are copies of the docket record for SN 09/347,323 where the Notice of Allowability and Notice of Allowance and Issue Fee Due would have been posted had it been timely received. It is noted that the applicant

filed a notice of change of address on January 9, 2001, and the PTO records have not been updated to include the current address of the attorney.

Therefore, the abandonment is hereby withdrawn, and the application is returned to pending status. The application shall be forwarded to the examiner for prompt remailing of the above noted Notice of Allowability and Notice of Allowance and Issue Fee Due to the correspondence address and restarting of the statutory period of response from the remail date thereof.

The Petition is GRANTED.

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Jacqueline Stone, Director  
Technology Center 1700  
Chemical and Materials Engineering

KURT G. BRISCOE  
NORRIS McLAUGHLIN & MARCUS, P.A.  
220 EAST 42nd STREET  
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